

SB 669-10
(LC 1408)
6/17/19 (LHF/ps)

Requested by JOINT COMMITTEE ON WAYS AND MEANS

**PROPOSED AMENDMENTS TO
SENATE BILL 669**

1 On page 1 of the printed bill, line 3, after “ORS” delete the rest of the
2 line.

3 In line 4, delete “443.340, 443.350 and 443.355” and insert “443.065, 443.315
4 and 443.325”.

5 Delete lines 6 through 29 and delete pages 2 through 10 and insert:

6 **“SECTION 1. (1) The Oregon Health Authority shall establish by**
7 **rule training requirements that must be met before an individual may**
8 **be permitted to provide in-home care services, as defined in ORS**
9 **443.305. The training requirements must include a minimum number**
10 **of hours of orientation and assessment of competency. The minimum**
11 **number of hours may be greater for an individual who will be provid-**
12 **ing enhanced care and services, such as medication management.**

13 **“(2) Except as provided in subsection (3) of this section, the training**
14 **requirements apply to any individual who is not licensed or certified**
15 **to provide health care in this state and who provides in-home care**
16 **services as an employee or contractor of a licensed:**

17 **“(a) In-home care agency as defined in ORS 443.305;**

18 **“(b) Home health agency as defined in ORS 443.014; or**

19 **“(c) Hospital as defined in ORS 442.015.**

20 **“(3) The training requirements shall not apply to an individual**
21 **providing personal care services that are incidental to the provision**

1 of home health care or hospital services.

2 **“SECTION 2. (1) The Department of Human Services shall develop**
3 **recommendations for methods to assess and monitor home care ser-**
4 **vices, as defined in ORS 410.600, provided by home care workers, as**
5 **defined in ORS 410.600. The recommendations may include electronic**
6 **monitoring of home care workers or on-site monitoring by case man-**
7 **agers or services coordinators of home care workers providing care in**
8 **their clients’ homes. The department shall avoid any recommendations**
9 **regarding assessment and monitoring that might lead to the state be-**
10 **ing deemed the legal employer of home care workers.**

11 **“(2) No later than February 1, 2021, the department shall report its**
12 **recommendations to the Legislative Assembly in the manner provided**
13 **in ORS 192.245.**

14 **“SECTION 3. ORS 443.065 is amended to read:**

15 **“443.065. [The] A home health agency licensed in this state shall:**

16 **“(1) Be primarily engaged in providing skilled nursing services and at**
17 **least one other service delineated in ORS 443.075 (1)(b) and (c);**

18 **“(2) Have policies established by professional personnel associated with**
19 **the agency or organization, including one or more physicians or naturopathic**
20 **physicians and one or more registered nurses, at least two of whom are nei-**
21 **ther owners nor employees of the agency, and two consumers, to govern the**
22 **services that it provides;**

23 **“(3) Require supervision of services that it provides under subsection (1)**
24 **of this section by a physician, physician assistant, nurse practitioner,**
25 **naturopathic physician or registered nurse, preferably a public health nurse;**

26 **“(4) Ensure that in-home care services, as defined in ORS 443.305,**
27 **that it provides in addition to skilled nursing services are provided by**
28 **individuals who meet the training requirements established by the**
29 **Oregon Health Authority under section 1 of this 2019 Act, if applicable;**

30 **“[(4)] (5) Maintain clinical and financial records on all patients; and**

1 “[5] (6) Have an overall plan and budget in effect.

2 **“SECTION 4.** ORS 443.315 is amended to read:

3 “443.315. (1) A person may not establish, manage or operate an in-home
4 care agency or purport to manage or operate an in-home care agency without
5 obtaining a license from the Oregon Health Authority.

6 “(2) The authority shall establish classification requirements and quali-
7 fications for licensure under this section by rule. The authority shall issue
8 a license to an applicant that has the necessary qualifications and meets all
9 requirements established by rule, including the payment of required fees. An
10 in-home care agency shall be required to maintain administrative and pro-
11 fessional oversight to ensure the quality of services provided **and that the**
12 **training requirements established by the authority under section 1 of**
13 **this 2019 Act, if applicable, have been met by any individual employed**
14 **by or contracting with the in-home care agency to provide in-home**
15 **care services.**

16 “(3) Application for a license required under subsection (1) of this section
17 shall be made in the form and manner required by the authority by rule and
18 shall be accompanied by any required fees.

19 “(4) A license may be granted, or may be renewed annually, upon payment
20 of a fee as follows:

21 “(a) For the initial licensure of an in-home care agency that is classified
22 as:

23 “(A) Limited, the fee is \$2,000.

24 “(B) Basic, the fee is \$2,250.

25 “(C) Intermediate, the fee is \$2,500.

26 “(D) Comprehensive, the fee is \$3,000.

27 “(b) There is an additional fee of \$1,250 for the initial licensure of each
28 subunit in any classification of in-home care agency.

29 “(c) For the renewal of a license classified as:

30 “(A) Limited or basic, the fee is \$1,000.

1 “(B) Intermediate, the fee is \$1,250.

2 “(C) Comprehensive, the fee is \$1,500.

3 “(d) There is an additional fee of \$1,000 for the renewal of licensure for
4 each subunit in any classification of in-home care agency.

5 “(e) For a change of ownership at a time other than the annual renewal
6 date:

7 “(A) The fee is \$350; and

8 “(B) There is an additional fee of \$350 for each subunit.

9 “(5) A license issued under this section is valid for one year. A license
10 may be renewed by payment of the required renewal fee and by demon-
11 stration of compliance with requirements for renewal established by rule.

12 “(6) A license issued under this section is not transferable.

13 “(7) The authority shall conduct an on-site inspection of each in-home
14 care agency prior to services being rendered and once every [*three*] **two** years
15 thereafter as a requirement for licensing.

16 “(8) In lieu of the on-site inspection required by subsection (7) of this
17 section, the authority may accept a certification or accreditation from a
18 federal agency or an accrediting body approved by the authority that the
19 state licensing standards have been met, if the in-home care agency:

20 “(a) Notifies the authority to participate in any exit interview conducted
21 by the federal agency or accrediting body; and

22 “(b) Provides copies of all documentation concerning the certification or
23 accreditation requested by the authority.

24 “**SECTION 5.** ORS 443.325 is amended to read:

25 “443.325. (1) The Oregon Health Authority may impose a civil penalty and
26 may deny, suspend or revoke the license of any in-home care agency licensed
27 under ORS 443.315 for failure to comply with ORS 443.305 to 443.350 or with
28 rules adopted thereunder. [*The authority may deny, suspend or revoke the li-*
29 *cence of any in-home care agency licensed under ORS 443.315 for failure to*
30 *comply with ORS 443.004.*] A failure to comply with ORS 443.305 to 443.350

1 includes, but is not limited to:

2 “[1] (a) Failure to provide a written disclosure statement to the client
3 or the client’s representative prior to in-home care services being rendered;

4 “[2] (b) Failure to provide the contracted in-home care services; [or]

5 “[3] (c) Failure to correct deficiencies identified during an inspection
6 by the authority; or

7 **“(d) A demonstrated pattern, over the previous five years, of sig-
8 nificant and substantiated violations of:**

9 **“(A) Employment or wage laws in this state, as prescribed by the
10 authority by rule:**

11 **“(i) By an in-home care agency licensee as an employer of staff in
12 an in-home care agency; or**

13 **“(ii) By an applicant for an in-home care agency license in any
14 business owned or operated by the applicant; or**

15 **“(B) Caregiver training requirements, as established by the au-
16 thority by rule, in any in-home care agency owned or operated by an
17 in-home care agency licensee.**

18 **“(2) The authority may deny, suspend or revoke the license of any
19 in-home care agency licensed under ORS 443.315 for failure to comply
20 with ORS 443.004.**

21 **“SECTION 6.** Section 2, chapter 75, Oregon Laws 2018, is amended to
22 read:

23 **“Sec. 2.** (1) The Department of Human Services, acting on behalf of and
24 subject to the approval of the Home Care Commission, shall adopt by rule
25 minimum training standards for home care workers and personal support
26 workers and shall establish procedures for testing home care workers and
27 personal support workers on their mastery of the skills and knowledge to be
28 acquired through the training. **The training standards must require a
29 minimum number of hours of orientation and assessment of compe-
30 tency before a home care worker or personal support worker is per-**

1 **mitted to provide home care services to a client. The minimum**
2 **number of hours may be greater for home care workers who will be**
3 **providing enhanced care and services, such as medication manage-**
4 **ment.**

5 “(2) The department shall provide training on the mandatory training
6 topics established under this subsection and on any other training that the
7 department or the commission deems appropriate for the professionalization
8 of home care workers and personal support workers. The training provided
9 pursuant to this section may include, but is not limited to, training on the
10 following topics:

11 “(a) Safety and emergency measures.

12 “(b) Understanding the requirements for providers paid with Medicaid
13 funds.

14 “(c) Providing person-centered care.

15 “(d) Understanding how to support the physical and emotional needs of
16 the individual who is receiving care.

17 “(e) Managing medications.

18 “(f) Providing personal care and assistance with activities of daily living.

19 “(3) The training provided in accordance with this section must be ge-
20 ographically accessible in all areas of this state and culturally appropriate
21 for workers of all language abilities.

22 “(4) In developing the training provided under this section, the depart-
23 ment shall:

24 “(a) Consider the needs of each worker type, including workers who are
25 relatives of the individuals receiving care, workers who provide respite care,
26 experienced workers and new workers; and

27 “(b) Strive to align the training with the training requirements for care
28 providers in other long term care settings.

29 “(5) The department shall consult with the Developmental Disabilities and
30 Mental Health Committee, unions representing home care workers and per-

1 sonal support workers and other stakeholders in the adoption of rules to
2 carry out the provisions of this section.

3 **“SECTION 7. Section 1 of this 2019 Act and the amendments to ORS**
4 **443.065, 443.315 and 443.325 and section 2, chapter 75, Oregon Laws 2018,**
5 **by sections 3 to 6 of this 2019 Act become operative on January 1, 2021.**

6 **“SECTION 8. Notwithstanding any other provision of law, the**
7 **General Fund appropriation made to the Oregon Health Authority by**
8 **section 1 (1), chapter _____, Oregon Laws 2019 (Enrolled Senate Bill**
9 **5525), for programs, for the biennium beginning July 1, 2019, is in-**
10 **creased by \$399,587 for the purpose of carrying out the provisions of**
11 **this 2019 Act.**

12 **“SECTION 9. Notwithstanding any other provision of law, the**
13 **General Fund appropriation made to the Department of Human Ser-**
14 **vices by section 1 (4), chapter _____, Oregon Laws 2019 (Enrolled**
15 **House Bill 5026), for aging and people with disabilities and**
16 **intellectual/developmental disabilities programs, for the biennium be-**
17 **ginning July 1, 2019, is increased by \$125,000 for the purpose of carrying**
18 **out the provisions of this 2019 Act.**

19 **“SECTION 10. Notwithstanding any other law limiting expenditures,**
20 **the limitation on expenditures established by section 3 (4), chapter**
21 **_____, Oregon Laws 2019 (Enrolled House Bill 5026), for the biennium**
22 **beginning July 1, 2019, as the maximum limit for payment of expenses**
23 **from federal funds, excluding federal funds described in section 2,**
24 **chapter _____, Oregon Laws 2019 (Enrolled House Bill 5026), collected**
25 **or received by the Department of Human Services for aging and people**
26 **with disabilities and intellectual/developmental disabilities programs,**
27 **is increased by \$125,000 for the purpose of carrying out the provisions**
28 **of this 2019 Act.”.**

29